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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDWARD T. BERGO as CHAIRMAN and
KARL BIK as CO-CHAIRMAN of the
BOARD OF TRUSTEES FOR THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
CEMENT MASONS VACATION/HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS
PENSION TRUST FUND FOR NORTHERN
CALIFORNIA; and CEMENT MASONS
APPRENTICESHIP AND TRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

vs.

S. J. WEAVER CONTRACTING, INC., a
California corporation; and STEVEN J.
WEAVER, an Individual,

Defendant.

CASE NO. C-04-4723 SI

Assigned to Hon. Susan Illston for all
purposes.

**JOINT STIPULATION FOR
DISMISSAL OF ENTIRE ACTION
WITH PREJUDICE; [PROPOSED]
ORDER THEREON**

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1 IT IS HEREBY STIPULATED by and between the parties to this action through their
2 designated counsel that the above-captioned action, entitled EDWARD BERGO, etc., et al. v.
3 S.J. WEAVER CONTRACTING, INC., et al., USDC N.D. Cal. Case Number C-04-4723 SI, be
4 and hereby is dismissed in its entirety with prejudice pursuant to Federal Rules of Civil
5 Procedure, Rule 41(a)(2).

6 DATED: October 31, 2006

7 STANTON, KAY & WATSON, LLP

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9 By: /s/
10 James P. Watson
Attorneys for Plaintiffs

11 DATED: November 13, 2006

12 ATKINSON, ANDELSON, LOYA, RUUD & ROMO

13
14 By: /s/
15 Thomas W. Kovacich
Attorneys for Defendants

16 **[PROPOSED] ORDER**

17 IT IS SO ORDERED that the action entitled EDWARD BERGO, etc., et al. v. S.J.
18 WEAVER CONTRACTING, INC., et al., USDC N.D. Cal. Case Number C-04-4723 SI is
19 dismissed with prejudice pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2).

20 **IT IS SO ORDERED.**

21 DATED: _____

22 

23 HON. SUSAN ILSTON
UNITED STATES DISTRICT JUDGE